



JPW

Docket No.: R2180.0189/P189  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Takaaki Negoro et al.

Application No.: 10/769,817

Confirmation No.: 9540

Filed: February 3, 2004

Art Unit: 2822

For: SEMICONDUCTOR DEVICE HAVING  
DMOS AND CMOS ON SINGLE  
SUBSTRATE

Examiner: Ida M. Soward

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed April 5, 2005, Applicant hereby provisionally elects claims Group I, Claims 1-21 and 23 for continued examination, with traverse.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). M.P.E.P. § 803, however, directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." The directive should be followed by the examiner in this case.

The embodiments of the invention are closely related, and the total number of claims pending in the application is reasonable. Thus, all of the claims of the application

can be examined together "without serious burden." The Examiner is respectfully urged to withdraw the outstanding restriction requirement and examine each of the pending claims on the merits. Allowance of the application is also respectfully solicited.

Dated: May 3, 2005

Respectfully submitted,

By 

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